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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/377,827 08/20/99 SUGIYAMA A 1453.1001/JD

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MMC1/0814

EXAMINER

FLETCHER, M

ART UNIT

PAPER NUMBER

2837

DATE MAILED:  
08/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/377,827

Applicant(s)

SUGIYAMA, AKIRA

Examiner

Marlon T Fletcher

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh et al. (5,038,659) in view of Tanimoto (4,450,743).

As recited in claims 1 and 6, Satoh et al. disclose a musical score apparatus including a data processor (3) using a computer and a staff notation comprising: a keyboard (2) for inputting character or symbol data into the data processor (3) as discussed in column 3, lines 51-61; tables corresponding with data input into the data processor with character and scales of music staff notation as discussed in column 5, line 67 through column 6, line 2, and column 9, lines 8-25, and as can be seen in figures 17-19; a note decoder for decoding the input data to correspond to scales or notes of a scale as discussed in column 3, lines 46-61; column 6, lines 7-9 and lines 20-23; and column 8, lines 52-57; a note code storage device (7) memorizing an output from the note decoder as discussed in column 5, lines 4-7; and an output means (4) for outputting music staff notation data from the note code storage device as discussed in

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column 5, lines 8-14. Further, with respect to claim 6, Satoh et al., also disclose that the note code tables or data correspond with non-music staff character or symbol data as discussed in column 3, lines 51-61 and column 9, lines 8-25. Inherently, Satoh et al. provide note code tables as can be understood from column 9, lines 8-25.

Satoh et al. do not disclose table providing a listing of note codes that correspond to the input data.

However, as recited in claims 1 and 6, Tanimoto discloses note code tables that correspond to the input data as seen in and discussed in columns 5 and 6, which correspond to figures 1-4, wherein input data and note codes also correspond to musical staff notation.

As recited in claims 2-5 and 7, Tanimoto discloses a data processor, wherein the note code table is a list corresponding data input to musical scales or phrases of music staff notation as seen in figure 5, and discussed in column 3, lines 53-66, and as further seen in figure 5 and discussed in column 3, lines 53-66 and as further seen in tables in columns 5 and 6, wherein plural tables are included.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Tanimoto with the apparatus of Satoh et al., because Tanimoto provides a clear correlation of input data with stored table data including note codes to produce output data, wherein Satoh et al. provide correlation of input data with output data, only failing to show a clear correlation with note codes.

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***Respons to Arguments***

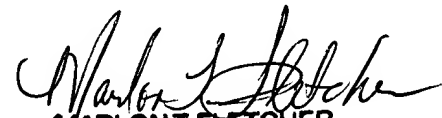
1. Applicant's arguments filed 07/30/2001 have been fully considered but they are not persuasive.

The applicant argues that Satoh et al. do not disclose entering of character or symbol data. However, it can clear seen that keyboard (2) clearly provides symbols as well as character, wherein the input data provided through selective input of characters and symbols is converted to note data which is provided through an output. Tanimoto is provided to enhance the components that may be inherent or not discussed in detail in Satoh et al. In combination, all of the claimed limitations are met.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon Fletcher whose telephone number is (703) 308-0848.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370. The fax phone number for the organization where this application or proceeding is assigned is (703) 307-7722.

MTF  
  
August 11, 2001

  
MARLON T. FLETCHER  
Primary PATENT EXAMINER